



# Save the American River Association

4441 Auburn Blvd., Suite H • Sacramento, CA 95841-4139

916-482-2551 • E-mail: [info@SARAriverwatch.org](mailto:info@SARAriverwatch.org) • [www.SARAriverwatch.org](http://www.SARAriverwatch.org)

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**To:** Central Valley Regional Water Quality Control Board and other parties

**From:** Alan D. Wade for the Save the American River Association

**Subject:** CDO and ACLO for the City of Colfax—Policy Comments

**Date:** October 12, 2011

On behalf of the Save the American River Association ("SARA"), we thank you for the opportunity to submit comments on the above documents. We are and have been for fifty years the major citizen group responsible for protecting the Lower American River and its watershed. In addition, we support and affirm the comments of the Friends of the North Fork in this matter.

We have no additional evidence to present, and no comments concerning legal issues. The staff seems to have done a thorough and conscientious job of presenting the case for adoption of the documents named above. We do have some serious policy concerns with respect to timelines, enforcement, and the ultimate expectation of accountability on the City's part.

The documents report the many violations committed by the City of Colfax over a period of several years. The Board has been lenient and forgiving to a fault in the face of these many violations. The reasons given for this stance are the small size of the city and financial hardships it faces in its efforts to deal with a complex and potentially expensive situation.

Nonetheless, the city has been in violation over and over again over a period of almost a decade. At what point must an offended public demand, "Enough is enough!" SARA believes that point has passed. The waters into which the illegal discharges flow are in the watershed of the North Fork of the American River, and eventually reach huge numbers of downstream water purveyors, ratepayers, and recreational users. They flow directly into the Auburn Canyon Recreation Area, Folsom Lake, and the Lower American River, a designated Wild and Scenic River.

While we support the general direction of the CDO and the ACLO, and believe that they represent a step forward, they nonetheless contain a serious flaw—the due dates for "reports" are far too lenient, and seem to promise the city that not only do they have until January, 2014, for another in a long stream of "reports," but that the door may be opened again for five or more years of delay after that.

SARA questions reliance on what the documents refer to as "reports", and believes that far more stringent requirements need to be placed on the city. Otherwise this matter may never be resolved to the benefit and satisfaction of downstream users. The city has to do little or nothing but file reports, with the implicit promise based on past experience that there is no intention ever to hold them accountable for a real solution to the problem.

SARA recommends that the City of Colfax be required by the date of January 30, 2013, more than a year ahead, to file not another "report", but a work plan with engineering and financial components which will actually commit to fixing the problems in their wastewater treatment system by the deadline of January 2014.

If such a plan is not filed or found lacking in its promise to meet the terms of the current documents, significant fines to the extent allowed by the law should actually be collected, not merely noted and forgiven. If such a measure fails, accountability must be insured by referral to the Attorney General for prosecution. This travesty must not be allowed to continue.

This unacceptable gaming of the system must be stopped within the reasonable limits that we propose. Any action short of this is simply an invitation to the City of Colfax to continue saving money by polluting the waters of the United States and the State of California.